

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

BREANNA BACKFISCH,)
)
Plaintiff,)
)
vs.) **Case No. 1:24-CV-213 SNLJ**
)
PENSKE TRUCK LEASING CO, L.P.,)
et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on review of the file following assignment to the undersigned. The Eighth Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006). “A plaintiff who seeks to invoke diversity jurisdiction of the federal courts must plead citizenship distinctly and affirmatively.” 15 James Wm. Moore, et al., *Moore’s Federal Practice* § 102.31 (3d ed. 2010).

The Complaint [Doc. 1] asserts that the Court has jurisdiction over the action pursuant to 28 U.S.C. § 1332 because the lawsuit is between citizens of different States. The Complaint also seeks damages in excess of \$75,000. However, the defendants include a Delaware Limited Partnership, Penske Truck Leasing Co., L.P.. The Complaint

alleges that defendant's principal place of business is in Pennsylvania and that Penske is thus a citizen of Delaware and Pennsylvania.

The Eighth Circuit has held that limited liability companies and limited partnerships are citizens of every state of which any member is a citizen. *See GMAC Commercial Credit, LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). Plaintiff has apparently addressed defendant's citizenship like that of a corporation, not a limited partnership, and thus it has not alleged defendant Penske's citizenship adequately.

Accordingly,

IT IS HEREBY ORDERED that, by December 10, 2024, plaintiff shall file an amended complaint which shall allege facts establishing the citizenship of each of defendant Penske's members.

IT IS FURTHER ORDERED that if plaintiff does not timely and fully comply with this order, this matter will be dismissed for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that all other proceedings in this case are **STAYED** pending further order of this Court.

Dated this 20th day of November, 2024.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE